

REMARKS

Applicant respectfully submits as shown in the amendments to the specification and claims, these corrections are needed for proper disclosure and protection of the invention and require no substantial amount of additional work on the part of the PTO. Applicant herein submits the Summary of the Invention paragraph, the Deposit paragraph in the specification and claims have been amended in order to correctly identify the Plant Deposit Identification number with the corresponding Accession Number. This change does not add new matter.

Applicant notes that in the Notice of Allowability the Examiner states that communication is responsive to papers filed September 14, 2004, however Applicant submits no papers were filed on this date.

Furthermore, the Applicant submits the issue fee is being paid separately.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Respectfully submitted,



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- pw -

Attorneys of Record

ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

The American Type Culture Collection (ATCC) has received your deposit of seeds in connection with the filing of an application for patent. The following information is provided to fulfill Patent Office requirements.

Name and Address of Depositor: Pioneer Hi-Bred International, Inc.
Attn: Steve Callistain
7100 NW 62nd Avenue
PO BOX 1000
Johnston, Iowa 50131-1000

Deposited on Behalf of: Pioneer Hi-Bred International, Inc.

Date of Receipt of Seeds by the ATCC: December 6, 2004

<u>Scientific Description</u>	<u>Depositor's Reference</u>	<u>Patent Deposit Designation</u>
Hybrid corn (maize) seed	39F59	PTA-6425

The ATCC understands that:

1. The deposit of these seeds does not grant ATCC a license, either express or implied, to infringe the patent, and our release of these seeds to others does not grant them a license, either express or implied, to infringe the patent.
2. If these seeds should die or be destroyed during the effective term of the patent, it shall be your responsibility to replace them with living seeds of the same type. It is also your responsibility to supply a sufficient quantity for distribution for the deposit term.

Prior to the issuance of a U.S. Patent, the ATCC agrees in consideration for a one-time service charge, not to distribute these seeds or any information relating thereto or to their deposit except as instructed by the depositor or relevant patent office. After a relevant patent issues, and we are instructed to release the seeds, they will be made available for distribution to the public without any restrictions.

The ATCC agrees to maintain the seeds for a period of 30 years from deposit date, or 5 years after the most recent request for a sample, whichever is longer.

We will inform you of requests for the seeds for 30 years from date of deposit.

The seeds were tested December 13, 2004 and were viable.

American Type Culture Collection

By Marie Harris
Marie Harris, Patent Specialist
ATCC Patent Depository

Date: January 11, 2005

ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2768 • FAX: 703-365-2745

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Pioneer Hi-Bred International, Inc.
Attn: Steve Callistein
7100 NW 62nd Avenue
PO BOX 1000
Johnston, Iowa 50131-1000

Deposited on Behalf of:

Pioneer Hi-Bred International, Inc.

Date of Receipt of Seeds by the ATCC: December 1, 2004

Scientific Description

Inbred corn (maize) seed

Depositor's Reference

GE02793293

Patent Deposit Designation

PTA-6386

The ATCC understands that:

1. The deposit of these seeds does not grant ATCC a license, either express or implied, to infringe the patent, and our release of these seeds to others does not grant them a license, either express or implied, to infringe the patent.
2. If these seeds should die or be destroyed during the effective term of the patent, it shall be your responsibility to replace them with living seeds of the same type. It is also your responsibility to supply a sufficient quantity for distribution for the deposit term.

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The ATCC agrees to maintain the seeds for a period of 30 years from deposit date, or 5 years after the most recent request for a sample, whichever is longer.

We will inform you of requests for the seeds for 30 years from date of deposit.

The seeds were tested December 8, 2004 and were viable.

American Type Culture Collection

By Marie Harris
Marie Harris, Patent Specialist
ATCC Patent Depository

Date: January 11, 2005

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Deposited on Behalf of:

Pioneer Hi-Bred International, Inc.

Date of Receipt of Seeds by the ATCC: December 1, 2004

Scientific Description

Depositor's Reference

Patent Deposit Designation

Inbred corn (maize) seed

GE02755498

PTA-6398

The ATCC understands that:

1. The deposit of these seeds does not grant ATCC a license, either express or implied, to infringe the patent, and our release of these seeds to others does not grant them a license, either express or implied, to infringe the patent.
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